

FILED

FEB 26 2015

CLERK, U.S. DISTRICT COURT
DISTRICT OF NEVADA
BY _____ DEPUTY

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)
Plaintiff,)
v.) 2:13-CR-252-JAD-(PAL)
WILLIAM OLIVER SMITH,)
aka, HEATH ROBERT GRABE,)
Defendant.)

PRELIMINARY ORDER OF FORFEITURE

This Court finds that on February 23, 2015, defendant WILLIAM OLIVER SMITH, aka HEATH ROBERT GRABE, pled guilty to Count One of a One-Count Criminal Indictment charging him with Felon in Possession of a Firearm in violation of Title 18, United States Code, Section 922(g)(1). Criminal Indictment, ECF No. 1; Change of Plea, ECF No. 39; Binding Plea Agreement, ECF No. 40.

This Court finds defendant WILLIAM OLIVER SMITH, aka HEATH ROBERT GRABE, agreed to the forfeiture of the property set forth in the Forfeiture Allegation of the Criminal Indictment. Criminal Indictment, ECF No. 1; Change of Plea, ECF No. 39; Binding Plea Agreement, ECF No. 40.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of America has shown the requisite nexus between property set forth in the Forfeiture Allegation of the Criminal

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1 Indictment and the offense to which defendant WILLIAM OLIVER SMITH, aka HEATH ROBERT
2 GRABE, pled guilty.

3 The following assets are subject to forfeiture pursuant to Title 18, United States Code, Section
4 924(d)(1) and Title 28, United States Code, Section 2461(c):

5 1. a Smith and Wesson .38 caliber handgun, bearing serial number BPU3551; and
6 2. any and all ammunition

7 (all of which constitutes "property").

8 This Court finds the United States of America is now entitled to, and should, reduce the
9 aforementioned property to the possession of the United States of America.

10 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the
11 United States of America should seize the aforementioned property.

12 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all right, title, and interest of
13 WILLIAM OLIVER SMITH, aka HEATH ROBERT GRABE, in the aforementioned property is
14 forfeited and is vested in the United States of America and shall be safely held by the United States of
15 America until further order of the Court.

16 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of America
17 shall publish for at least thirty (30) consecutive days on the official internet government forfeiture
18 website, www.forfeiture.gov, notice of this Order, which shall describe the forfeited property, state the
19 time under the applicable statute when a petition contesting the forfeiture must be filed, and state the
20 name and contact information for the government attorney to be served with the petition, pursuant to
21 Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code, Section 853(n)(2).

22 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual or entity
23 who claims an interest in the aforementioned property must file a petition for a hearing to adjudicate
24 the validity of the petitioner's alleged interest in the property, which petition shall be signed by the
25 petitioner under penalty of perjury pursuant to Title 21, United States Code, Section 853(n)(3) and
26 Title 28, United States Code, Section 1746, and shall set forth the nature and extent of the petitioner's

1 right, title, or interest in the forfeited property and any additional facts supporting the petitioner's
2 petition and the relief sought.

3 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be filed
4 with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas, Nevada 89101, no later than
5 thirty (30) days after the notice is sent or, if direct notice was not sent, no later than sixty (60) days
6 after the first day of the publication on the official internet government forfeiture site,
7 www.forfeiture.gov.

8 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if any,
9 shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at the
10 following address at the time of filing:

11 Michael A. Humphreys
12 Assistant United States Attorney
13 Daniel D. Hollingsworth
14 Assistant United States Attorney
15 Lloyd D. George United States Courthouse
16 333 Las Vegas Boulevard South, Suite 5000
17 Las Vegas, Nevada 89101.

18 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described herein
19 need not be published in the event a Declaration of Forfeiture is issued by the appropriate agency
20 following publication of notice of seizure and intent to administratively forfeit the above-described
21 property.

22 DATED this 26th day of February, 2015.

23 
24 UNITED STATES DISTRICT JUDGE
25
26

PROOF OF SERVICE

I, Mary Stoltz, Forfeiture Support Associates Paralegal, certify that the following individual was served with a copy of the Preliminary Order of Forfeiture on February 26, 2015, by the below identified method of service:

Electronic Filing

William C. Carrico
Federal Public Defender
411 E. Bonneville, S 250
Las Vegas, NV 89101
William_carrico@fd.org
Counsel for William Oliver Smith

/s/ Mary Stolz
Mary Stolz
Forfeiture Support Associates Paralegal